

Indicators Assessment – Non-Unitary States

Malaysia

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This Indicators Assessment report offers a country assessment of 4 composite indicators: (1) state-religious institutions relations, (2) status of religious minority groups, (3) religious radicalisation level, and (4) radicalisation prevention measures. It is part of a series covering 23 countries (listed below) on four continents. This assessment report was produced by GREASE, an EU-funded research project investigating religious diversity, secularism and religiously inspired radicalisation.

Countries covered in this series:

Albania, Australia, Belgium, Bosnia and Herzegovina, Bulgaria, Egypt, France, Germany, Greece, Italy, Hungary, India, Indonesia, Lebanon, Lithuania, Malaysia, Morocco, Russia, Slovakia, Spain, Tunisia, Turkey and the United Kingdom.

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The EU-Funded GREASE project looks to Asia for insights on governing religious diversity and preventing radicalisation.

Involving researchers from Europe, North Africa, the Middle East, Asia and Oceania, GREASE is investigating how religious diversity is governed in over 20 countries. Our work focuses on comparing norms, laws and practices that may (or may not) prove useful in preventing religious radicalisation. Our research also sheds light on how different societies cope with the challenge of integrating religious minorities and migrants. The aim is to deepen our understanding of how religious diversity can be governed successfully, with an emphasis on countering radicalisation trends.

While exploring religious governance models in other parts of the world, GREASE also attempts to unravel the European paradox of religious radicalisation despite growing secularisation. We consider the claim that migrant integration in Europe has failed because second generation youth have become marginalised and radicalised, with some turning to jihadist terrorism networks. The researchers aim to deliver innovative academic thinking on secularisation and radicalisation while offering insights for governance of religious diversity.

The project is being coordinated by Professor Anna Triandafyllidou from The European University Institute (EUI) in Italy. Other consortium members include Professor Tariq Modood from The University of Bristol (UK); Dr. H. A. Hellyer from the Royal United Services Institute (RUSI) (UK); Dr. Mila Mancheva from The Centre for the Study of Democracy (Bulgaria); Dr. Egdunas Raciunas from Vytautas Magnus University (Lithuania); Mr. Terry Martin from the research communications agency SPIA (Germany); Professor Mehdi Lahlou from Mohammed V University of Rabat (Morocco); Professor Haldun Gulalp of The Turkish Economic and Social Studies Foundation (Turkey); Professor Pradana Boy of Universitas Muhammadiyah Malang (Indonesia); Professor Zawawi Ibrahim of The Strategic Information and Research Development Centre (Malaysia); Professor Gurpreet Mahajan of Jawaharlal Nehru University (India); and Professor Michele Grossman of Deakin University (Melbourne, Australia). GREASE is scheduled for completion in 2022.

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GREASE - Radicalisation, Secularism and the Governance of Religion: Bringing Together European and Asian Perspectives

Country Assessment Report

Name of Country Assessed: Malaysia

I. Composite Indicator 1: State-Religious Institutions Relations

Overall Assessment:

Upon general assessment, the **state-religious relations** did not change much during the studied time period (2000 -2020). Where present, the **differences between the legal and practical dimensions** of the links between state and religious institutions are not significant. [Malaysia's Constitution](#) did not specify explicitly whether it is an Islamic or Secular state. Although the word '**secular**' is not mentioned in the Constitution, it is clear, as affirmed by the parties involved in the drafting process, that the newly founded sovereign state should embrace secularism as the governing principle by assuming the **separation between religion and the state**. Article 3(1) of the Federal Constitution declares that whilst 'Islam is the religion of the Federation', other **religions may be practiced in peace and harmony** in any part of the Federation. But the constitution also prescribes that each state is also given the right to establish courts to adjudicate disputes involving Muslims within a set range of areas as listed in schedule 9, list II. Therefore, the individual states have **power for enacting laws** relating to religions within its territories.

Due to the provisions in Schedule 9, various Islamic institutions are formed to be involved in the policy making process. Institutions like Malaysian Islamic Development Department (Jakim), National Fatwa Committee, as well State's Islamic Departments, are among few others known to **lobby and provide policy recommendations at both the federal and state level**. Of late, a new trend has emerged involving court cases that invoke the constitutional rights to religious freedom. They have raised pertinent questions as to the **boundaries of religious freedom** for both Muslims and non-Muslims alike and **the legal extent of Sharia court**.

Due to certain **restrictions on religious freedom**, at the national level, the only **religiously based parties** that exist are the Islamic ones. There are several Islamic political parties but the mainstream one is Malaysian Islamic Party (PAS). It is worth to mention that Malaysian politics are heavily colored by the **racial and ethnic sentiments** that often overlap with religious sentiments. The Malay party, UMNO, has long to be known as the champion of Islam and Malay agenda. For most of the 1980s to 2010s, both UMNO and PAS increasingly competed in an 'Islamisation race' – heralding religiosity and piety as pillars of their politics – in order to maintain political legitimacy and gather Malay electoral support.

Much of the restrictions and controls on religious activities come from the states. As mentioned, due to the power given by the constitution, each state is given the freedom to enact its own interpretation of Islamic law, and is free to establish its own state Islamic courts to adjudicate disputes arising under the state's Islamic laws.

Restrictions on media and educational institutions usually stem from court decisions or gazette fatwas that are turned into law by states' religion departments.

1. State autonomy from religion	Score	YEAR (Most Recent)
(1a) Legal dimension: The Constitution/Basic law defines the state as secular	Medium	2020
(1b) UNIT 1: Practical Dimension: Actual level of state political autonomy/independence from religion.	Low	2020
(1b) UNIT 2: Practical Dimension: Actual level of state political autonomy/ independence from religion	Low	2020
2. Participation of religious institutions and religious groups in political decision-making and policy-making.	Score	YEAR (Most Recent)
(2a) Legal Dimension: The Constitution/Basic law or other more relevant legislation forbids formal participation of religious institutions and religious groups in formal political decision-making.	Medium	2020
(2b) UNIT 1: Practical Dimension: In practice, religious institutions and religious groups lack formal participation in political decision-making.	Medium	2020
(2b) UNIT 2: Practical Dimension: In practice, religious institutions and religious groups lack formal participation in political decision-making.	Low	2020
3. Religiously-based political parties in political life.	Score	YEAR (Most Recent)
(3a) Legal Dimension: The Constitution/Basic law or other more relevant legislation forbids participation of religiously-based political parties in political life.	Medium	2020
(3b) UNIT 1: Practical Dimension: In practice, religiously-based political parties lack participation in political life.	High	2020
(3b) UNIT 2: Practical Dimension: In practice, religiously-based political parties lack participation in political life.	High	2020
4. State non-interference in the regulation of religious matters of religious institutions and religious communities (including regulation of religious courts, councils, religious family laws, etc.).	Score	YEAR (Most Recent)
(4a) Legal Dimension: The Constitution/Basic law or other more relevant legislation enforces state non-interference in the regulation of religious matters of religious institutions and religious communities.	Medium	2020
(4b) UNIT 1: Practical Dimension: In practice, there is no state interference in the regulation of religious affairs of religious institutions and religious communities.	Low	2020
(4b) UNIT 2: Practical Dimension: In practice, there is no state interference in the regulation of religious affairs of religious institutions and religious communities.	Low	2020

5. State non-interference in the regulation of the administrative matters of religious institutions and religious communities (including personnel and funds).	Score	YEAR (Most Recent)
(5a) Legal dimension: The Constitution/Basic law or other more relevant legislation enforces state non-interference in the regulation of the administrative matters of religious institutions and religious communities.	Medium	2020
(5b) UNIT 1: Practical Dimension: In practice, there is no state interference in the regulation of the administrative affairs of religious institutions and religious communities.	Low	2020
(5b) UNIT 2: Practical Dimension: In practice, there is no state interference in the regulation of the administrative affairs of religious institutions and religious communities.	Low	2020
6. State recognition of freedom of religion.	Score	YEAR (Most Recent)
(6a) Legal Dimension: The Constitution/Basic law or other more relevant legislation allows freedom of religion.	Low	2020
(6b) UNIT 1: Practical Dimension: In practice, religious groups/communities enjoy freedom of religion.	Low	2020
(6b) UNIT 2: Practical Dimension: In practice, religious groups/communities enjoy freedom of religion.	Low	2020
7. Freedom for religious groups/communities to set up and manage educational institutions.	Score	YEAR (Most Recent)
(7a) Legal dimension: The Constitution/Basic law or other more relevant religious legislation allows religious groups/communities to set up and manage educational institutions.	Medium	2020
(7b) UNIT 1: Practical Dimension: Religious groups/communities set up and manage educational institutions.	Medium	2020
(7b) UNIT 2: Practical Dimension: Religious groups/communities set up and manage educational institutions.	Medium	2020
8. Autonomy of religious media	Score	YEAR (Most Recent)
(8a) Legal dimension: The Constitution/Basic law or other more relevant legislation recognises and allows religious media.	Medium	2020
(8b) UNIT 1: Practical Dimension: In practice, religious media practice their activity.	Medium	2020
(8b) UNIT 2: Practical Dimension: In practice, religious media practice their activity.	Medium	2020

II. **Composite Indicator 2: Status of Religious Minority Groups**

Overall Assessment:

Census figures from 2010 indicate that 61.3 percent of the population are Muslims (majority); while the remaining minority religions are of 19.8 percent Buddhism; 9.2 percent are Christians; 6.3 percent practice Hinduism; and the other 1.3 percent are believers of Confucianism, Taoism, or other traditional Chinese philosophies and religions. While Article 11 of the Constitution guarantees **Freedom of religion**, this provision has **two limitations**; firstly, the propagation of any religious doctrine or belief among persons professing the religion of Islam may be **controlled or restricted by the individual states** in Malaysia and secondly, the freedom to profess and practice one's religion must not result in an act contrary to any general law relating to public order, public health or morality.

Such limitations have **severe impacts on some religious minorities**, especially the Shi'a and Ahmadiyya communities. The **state has the monopoly to define the boundaries of Islamic faith**, and those that are consider deviant, i.e. Shi'a and Ahmadiyya are not only legally not recognized but their existence is considered a threat to public order. The 1996 National Fatwa initiated a systematic state backed **discrimination against the religious minorities**. Since the national fatwa, which is annexed into law by all States ([Syariah Criminal Offences \(Federal Territories\) Act 1997](#), and [1989 Administration of Islamic Law Enactment](#)) the Shi'a and Ahmadiyya teachings and practices are made illegal throughout the country (except Sabah and Sarawak), and those of that faith, if they were made visible in public, will be prosecuted. The now-repealed Internal Security Act (ISA) 1960, which allowed for **preventive detention without trial** for up to 60 days, was used to **harass religious minorities**, and to interfere with Shi'a religious practice on the basis that it was "prejudicial to the security of Malaysia".

The Constitution does not touch upon **rights to social security benefits** in particular. Laws regarding social security are mentioned in Employees' Social Security Act 1969, with no specification or mentions religious minority (or religion) as its applicability is relevant to all employees, regardless of their faith. Thus, the laws dictates that the pensions, disability and health insurance should be given in accordance to the act regardless of the faith of the beneficiaries. As for **public funding**, the regulation is made through [Societies Act 1966](#). Apart from those being deemed devious (Shiites and Ahmadiyya), the remain religious minorities that are **recognized by the state** are allowed to have **access to public funding to fund their own initiatives**.

1. Legal status of religious minority groups.	Score	YEAR (Most Recent)
(1a) Legal dimension: The Constitution/Basic law or other more relevant religious legislation recognises religious minority groups.	Low	2020
(1b) UNIT 1: Practical Dimension: In practice, religious minority groups enjoy legal registration status recognised by the government.	Low	2020
(1b) UNIT 2: Practical Dimension: In practice, religious minority groups enjoy legal registration status recognised by the government.	Medium	2020

2. Religious minority group participation in political life.	Score	YEAR (Most Recent)
(2a) Legal Dimension: Constitution/Basic law or other more relevant religious legislation grants religious minority groups rights to participate in the political life of the state.	Low	2020
(2b) UNIT 1: Practical Dimension: Religious minority groups participate in political life.	Low	2020
(2b) UNIT 2: Practical Dimension: Religious minority groups participate in political life.	Low	2020
3. Special social security status of religious minority groups.	Score	YEAR (Most Recent)
(3a) Legal Dimension: The Constitution/Basic law or other more relevant religious legislation grants religious minority groups rights to special social security benefits.	Very High	2020
(3b) UNIT 1: Practical Dimension: In practice, religious minority groups have special access to social security benefits.	Medium	2020
(3b) UNIT 2: Practical Dimension: In practice, religious minority groups have special access to social security benefits.	Medium	2020
4. Access of religious minority groups to public spaces.	Score	YEAR (Most Recent)
(4a) Legal Dimension: The Constitution/Basic law or other more relevant religious legislation grants religious minority groups right of access to public spaces.	High	2020
(4b) UNIT 1: Practical Dimension: Religious minority groups enjoy access to public spaces.	Medium	2020
(4b) UNIT 2: Practical Dimension: Religious minority groups enjoy access to public spaces.	Medium	2020
5. Access to public funds for initiatives/activities of religious minority groups.	Score	YEAR (Most Recent)
(5a) Legal dimension: The Constitution/Basic law or other more relevant religious legislation grants religious minority groups right of access to public funds for their own initiatives/activities.	Medium	2020
(5b) UNIT 1: Practical Dimension: Religious minority groups have access to public funds for their own initiatives/activities.	Medium	2020
(5b) UNIT 2: Practical Dimension: Religious minority groups have access to public funds for their own initiatives/activities.	Medium	2020
6. Public accommodation of cultural practices specific to religious minority groups.	Score	YEAR (Most Recent)
(6a) Legal Dimension: The Constitution/Basic law or other more relevant religious legislation allows public accommodation of cultural practices specific to religious minority groups.	Low	2020
(6b) UNIT 1: Practical Dimension: Religious minority groups express their cultural practices publicly.	Low	2020

(6b) UNIT 2: Practical Dimension: Religious minority groups express their cultural practices publicly.	Low	2020
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7. Ownership of houses of worship.	Score	YEAR (Most Recent)
(7a) Legal dimension: The Constitution/Basic law or other more relevant religious legislation grants religious minority groups rights to own their houses of worship.	Medium	2020
(7b) UNIT 1: Practical Dimension: Religious minority groups own houses of worship.	Medium	2020
(7b) UNIT 2: Practical Dimension: Religious minority groups own houses of worship.	Medium	2020

III. Composite Indicator 3: Radicalisation Levels

Overall assessment:

Structural: Malaysia can be generally categorized at the **moderate level** by most indicators in this assessment (except on few categories) in the given time period (2000-2020). It is also observed that not much substantive change has taken place in the given period. On the structural factors, Malaysia was categorized as **partially free** and has **moderate scores** for the 4 base-setting categories (Level of Adherence to the Law, Group Grievances, Economic Development, and Wealth Disparity). Malaysia scored low on **State legitimacy and protection of human rights**, and this understandably so due to the existence of religious laws in Malaysia that violates certain basic freedoms, as well as the known problems of **corruption and unfair electoral system**. But in 2019 we have seen several proposals for institutional reforms are taking place, but due to the recent **political instability** and global pandemic some of it might only materialized a bit further into the future.

Perception-based: The data in this section for Malaysia has been pretty scarce. 19th Annual Edelman Trust Barometer Global Report rated Malaysia with a score of 60 which suggest that Malaysians has begun to **trust the government institutions** since the change of government in 2018. In the preceding years, Malaysia is either in distrust category (2017) or neutral. Data or surveys on the perceptions of the people on the situation within the country are also limited. But the data from the two surveys listed therein seem to suggest that while Malaysians might have better faith in the institutions, they are more **skeptical of political parties and leaders**. The old problems of **racism and racial tension** were clearly expressed from the data on perceptions of racial **discrimination**. PEW Research Center (Religious Diversity Index) shows that Malaysia has a High percentage of people **opposing diversity**, while other surveys suggest that many Malaysians felt that they have **experienced discriminatory practices** in their life due to their ethnicity.

Incidence-based: Malaysia scored low in most of the categories. There has been **no state-based armed conflicts** in the last 5 years, with only 1 incident related to **terrorism** (Puchong Attack in 2016). But Malaysia scored high in **social hostilities**, and understandably so due to **racial tensions seen via media, political platforms, and rallies**.

1. Structural factors/environment	Score/Level/Percentage	YEAR (Most Recent)
(1a) Level of Freedom	Level: Free Freedom score: 52	2020
(1b) Level of adherence to rule of law	Overall rank: 47/128 Overall score: 0.58	2020
(1c) Level of religious-related government restrictions	Score: 8.3 Level: Very High	2017
(1d) Level of state legitimacy	Score: 6.6 Level: Low	2020
(1e) Level of protection of human rights	Score: 7.1 Level: Low	2020

(1f) Level of group grievances	Score: 5.7 Level: Moderate	2020
(1g) Uneven economic development	Score: 4.2 Level: Moderate	2020
(1h) Wealth disparity (top 10% possessing above average percentage of the total income share)	Percentage: 39.4%	2014

2. Perception-based indicators (social grievances)	Percentage (%)	YEAR (Most Recent)
(2a) Distrust in national institutions	Parliament: No data Government: No data Other: 19 th Annual Edelman Trust Barometer: 60% (trust)	n/a n/a 2019
(2b) Political discontent	Dissatisfaction with country direction: No data Dissatisfaction with overall situation: No data Dissatisfaction with democracy/government performance: No data Other: Vase.ai Poll: Uncertainty in democracy: 33% Other: Ipsos Monitor: Distrust in traditional parties/politicians: 57%	n/a n/a n/a 2020 2018
(2c) Economic discontent	Dissatisfaction own financial situation: No data Dissatisfaction national economy: No data Economic situation is the most serious problem: No data Other: No data	n/a n/a n/a n/a
(2d) Discrimination	Discrimination is widespread: No data Opposing diversity: No data Discomfort with minorities: No data Dislike neighbors from minority groups: No data Experienced discrimination: No data Other: You.gov Poll: Ethnic Discrimination experience: 46% Other: CENBET: Lack of Racism: 60%	n/a n/a n/a n/a n/a 2019 2015
(2e) Views on violent extremism	VE is a serious problem/threat: 26%	2015 2013

Endorsement of VE actions/ actors:
27%
 Other: **See Toolkit**

2010

3. Incidence-based indicators (religious violence and conflict)	Score/Level/Number	YEAR (Most Recent)
(3a) State-based armed conflict	Yes/No: No	2020
(3b) Level of social hostilities involving religion	Level: High Score: 4.5	2017
(3c) Incidence and impact of terrorism	Score: 2.5 Number of Incidents: 0	2018
(3d) Violent extremist incidents	Number: 400	2019
(3e) Significant violent extremist actors/ networks	Level: Moderate	2020

IV. **Composite Indicator 4: Radicalisation Prevention Measures**

Overall assessment:

The nature of the Malaysian **strategic plan against violent radicalization** can be understood through three fronts: **legislation, rehabilitation and education**. The initiatives are run through a **collaborative effort between various ministries** including the Ministry of Education, Ministry of Internal Affairs, Minister of Communications and Multimedia, Ministry of Foreign Affairs, and the Ministry of Religious Affairs. But despite involvement of various ministries, there has been **no National Action Plan** that guides the work between all the ministries and institutions involved. This lead to the **absence of comprehensive monitoring mechanism** to oversee all the PCVE works done by the institutions involved. It must also be mentioned that despite the absence of national action plan, the PCVE and CT work covered a wide ground with **credible legislative foundations** and multifaceted strategies and dimensions. the Malaysian government enacted the [Security Offences \(Special Measures\) Act \(SOSMA\) 2012](#) (Act 747), followed by an enactment of the [Prevention of Terrorism Act \(POTA\) 2015](#) and [Special Measures against Terrorism in Foreign Countries Act \(SMATA\) 2015](#). These laws have been introduced to empower the Malaysian authorities to deal with terrorist threats and to provide the necessary procedures for arrest for serious offences under Chapter VI and VIA of the Penal Code, including **offences against state and terrorism-related offences**. But these laws are also **criticized for not meeting the human right standards**. SOSMA and POTA also received criticisms from human rights groups and civil society organisations when in 2016 the Act was used to arrest 15 prominent civil right activists after the Bersih 5 Rally. They claimed that the use of SOSMA to detain organisers of peaceful rallies was an abuse of power by the Barisan National government. On 23 September 2015, Khairuddin Abu Hassan, a former UMNO leader, was arrested under the SOSMA, for reporting corruption. On 26 April 2017, the Kuala Lumpur High Court sentenced student Siti Noor Aishah to five years' imprisonment for possession of 12 books, under a sweeping provision of the SOSMA prohibiting the possession, custody or control of any item associated with any "terrorist group" or the commission of a "terrorist act". Her books had not been banned by the government, which raises further concerns about **the arbitrary nature of the law** and the way it is applied.

As part of a **comprehensive strategy against violent extremism and terrorism** in Malaysia, the government also set up various programs and institutions to **develop effective communications strategies and counter-narratives** against violent extremist groups such as Al-Qaeda, Daesh and their affiliates. Various institutions including Malaysian Special Branch, the Department of Islamic Development of Malaysia (JAKIM), Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT)) and Counter Messaging Centre (under the jurisdiction of Royal Malaysia Police (RMP)) are made responsible to consolidate the works among themselves to produce **effective public campaigns** aimed at "winning hearts and minds of the segments of society that are normally targeted by extremist and radical groups for recruitment, support and funding". Some of the initiatives include the setting up of Jihad Concept Explanation Action Committee to address misconceptions about jihad at different social groups and institutions by JAKIM in 2015, and Regional Digital Counter Messaging Communication Centre aimed at synchronizing **efforts to counter radical social media messages** and present a more **inclusive narrative of Islam** in the region.

1. Comprehensive strategic approach	Score	YEAR (Most Recent)
(1a) Legislative foundation for adoption of PVE action plan	Yes	2020
(1b) Existence of PVE strategy and a national action plan	No	2020
(1c) Presence of comprehensive monitoring mechanisms of strategy / action plan implementation	No	2020
(1d) Presence of dedicated body tasked with PVE strategy development and coordination	No	2020
(1e) Compliance of strategy and action plan with human rights standards and the principles of rule of law	No	2020
(1f) Participation of a wide range of government actors in development and implementation of PVE strategy and action plan	Yes	2020
(1g) Participation of non-government actors in development and implementation of PVE strategy and action plan	Partial	2020
(1h) Reference to FTFs and related measures in PVE strategy/action plan	Yes	2020
(1i) Reference to terrorism financing and related measures in PVE strategy and action plan	Yes	2020
(1j) Reference to communication counter- or alternative narrative campaigns in PVE strategy/action plan	Yes	2020

2. Comprehensiveness of measures - areas of action, actors and projects	Score	YEAR (Most Recent)
(2a) Development and implementation of programmes for support of victims of terrorism and violent extremism	Yes	2020
(2b) Training for frontline practitioners	Yes	2020
(2c) Initiatives to improve the preparedness of security forces, law enforcement and justice institutions to deal with radicalisation.	II	2020
(2d) Development and implementation of P/CVE-specific education initiatives for youth	Yes	2019
(2e) Development and implementation of P/CVE education initiatives and projects for women	Yes	2018
(2f) Platforms for intra and interfaith dialogue between the state and religious leaders	Yes	2019
(2g) Networks for civil society, religious leaders, youth and women's organisations for dialogue, cooperation and best practices.	Yes	2020
(2h) Grassroots initiatives by civil society actors focussed on prevention	High	2020
(2i) Counter- and alternative- narrative campaigns	Yes	2020
(2j) Multi-agency cooperation and/or referral mechanisms at local level identifying and supporting at-risk persons	II	2020

(2k) State-commissioned research on religiously-inspired radicalisation and violent extremism	Yes	2020
(2l) programs and measures to prevent radicalisation into violent extremism in prison and probation settings	Yes	2020

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